

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ANTHONY WILLIAM CAMPBELL

PLAINTIFF

v.

No.: 3:20-cv-96-MPM-JMV

KILOLO KIJAKAZI,¹

Acting Commissioner of Social Security

DEFENDANT

ORDER

Before the court are the Plaintiff's motion [35] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and the Defendant's response [36]. For the reasons that follow, the motion will be granted.

In these proceedings, the Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Order, dated November 29, 2021, this court remanded this case to the Social Security Administration for further proceedings. The Plaintiff now seeks attorney fees in the amount of \$8,748.16 for 42.90 hours of attorney time before this court on the grounds that the Plaintiff was the prevailing party. The Commissioner does not oppose the requested award, made payable to the Plaintiff and mailed to Plaintiff's attorney, in accordance with the Supreme Court's decision in *Astrue v. Ratliff*, 560 U.S. 586, 130 S. Ct. 2521 (2010). *See* Pl.'s Motion (35) at 1; Pl.'s Itemization (35-1).²

The court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust.

¹ The Clerk is directed to amend the style of the case to reflect the automatic substitution of Kilolo Kijakazi, Acting Commissioner of Social Security, in the place of Andrew Saul.

² The general procedure that the Commissioner uses in effectuating court orders awarding EAJA fees to the Plaintiff is as follows: The Commissioner certifies the order to the Department of the Treasury for payment. Afterward, the Department of the Treasury issues payment by check to the order of the plaintiff, in care of his/her attorney, and mails the check to the plaintiff's attorney. Payment of the EAJA fees to the plaintiff in care of the plaintiff's attorney is consistent with the EAJA.

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay Plaintiff \$8,748.16 in attorney fees for the benefit of counsel for Plaintiff. Further, the award should be made payable to Plaintiff and mailed in the care of Plaintiff's counsel, consistent with the Supreme Court's decision in *Astrue*.

SO ORDERED this, the 1st day of February, 2022.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE